

## **CHAPTER 11-04**

### **COUNTY SEATS - PERMANENTLY LOCATING AND REMOVING**

#### **11-04-01. Selection of candidates for permanent county seat at primary election.**

When the temporary county seat of any county has been designated by the board of county commissioners under section 11-03-07, the question of the permanent location of such county seat may be voted upon at any primary election for the purpose of selecting candidates to be voted upon at the general election.

**11-04-02. Petitions for permanent location of county seat.** The names of cities or unincorporated townships contending for the county seat shall be placed upon the primary election ballot by petition. Each such petition shall:

1. Designate the proposed county seat.
2. Be signed by at least ten percent of the qualified electors of the county as determined by the vote cast for the office of governor at the last general election.

Each such petitioner shall state the date of signing the petition and the petitioner's residence. No petitioner shall sign more than one such petition. Petitions shall be filed with the county auditor at least thirty days prior to the holding of the primary election.

**11-04-03. General election on question of permanent location of county seat.** The two sites or places receiving the highest number of votes at the primary election, and only such two, shall be placed on the official ballot at the first following general election. The city or unincorporated township receiving the higher number of votes cast for the county seat location at such general election shall be designated the county seat.

**11-04-04. County seat - Removal - Petition - Election.** Whenever a petition of qualified electors of the county equal in number to thirty-three percent of the votes cast in the county for the office of governor at the preceding gubernatorial election is presented to the board of county commissioners of that county asking removal of the county seat from its current location to a place designated in the petition and that an election be held to determine whether the removal must occur, the board of county commissioners shall submit the question of removal to the qualified electors of the county at the next general election if the petition conforms to the requirements of this chapter.

**11-04-05. Petition for removal of county seat must be verified.** A petition for the removal of a county seat must be verified by the affidavit of the circulator stating that each signator is a resident of the county and a qualified elector therein, that each signator personally signed the signator's name to the petition knowing the contents and purposes thereof, that the petition was signed in the presence of the circulator, and that the petition was circulated in its entirety.

**11-04-06. Election on county seat removal - Notice - How conducted - Returns - How made.** Notice of an election on the question of removal of a county seat, clearly stating its object, must be given and the election must be held and conducted and the returns made in all respects in the manner prescribed by law for the submission of questions to the electors of a county under the general election law.

**11-04-07. Form of ballot on county seat removal.** The ballot to be used at an election for the removal of a county seat must be in a form that will allow an elector to vote for the existing county seat or a place in the county named in the petition under section 11-04-04.

**11-04-08. Affirmative vote necessary to remove county seat - Notice of result.** If two-thirds or more of all the legal votes cast by those voting on the question of removal of the county seat at such election are in favor of the removal, the board of county commissioners must give notice of the result of the election by posting notices in all of the election precincts in the

county and by publishing a similar notice at least once each week for four weeks in the official newspaper of the county.

**11-04-09. Contents of notice of county seat removal - When county seat deemed changed.** The notice provided for in section 11-04-08 shall state the city or unincorporated townsite selected as the county seat and the date on which the change shall take effect. Such date shall not be more than one year after the election. After the date named in the notice, the place chosen at the election shall be the county seat of the county.

**11-04-10. Statement of result of election for removal of county seat - Where filed.** Whenever an election for removal of a county seat has been held, the statement made by the board of county commissioners showing the result of the election must be filed in the office of the county auditor and a certified copy thereof transmitted to the secretary of state.

**11-04-11. Interval required between elections for the removal of a county seat.** An election for the removal of a county seat may not be held more often than once in four years.

**11-04-12. County seat not on railroad - Election any year.** Repealed by S.L. 1995, ch. 109, § 3.

**11-04-13. City recognized as county seat - Removal and relocation.** When a city or unincorporated townsite has been recognized as the county seat of a county for more than ten years and when all of the public business required by law to be transacted at the county seat has been transacted at said place during the period of ten years last past, such city or unincorporated townsite shall be deemed to be the county seat of the county and can be removed only in the manner provided in this chapter. This statute is not to be in any way construed to bar the temporary emergency relocation of county government, or to affect the legality of lawful operations, acts, and functions of county government, while such government is temporarily relocated at a predesignated emergency relocation site or sites under authority of, approved by, and as directed by the board of county commissioners, a majority of the members concurring therein as to emergency relocation and the return of county government to the normal seat of county government.